

# Exhibit D

**THIS IS A COURT APPROVED LEGAL NOTICE. YOU ARE NOT BEING SUED.**

**THIS IS NOT A SOLICITATION FROM A LAWYER.**

United States District Court for the Northern District of California

*Smith-Washington et al. v. TaxAct, Inc.*

Case No. 3:23-cv-00830-VC

[www.TaxActClassSettlement.com](http://www.TaxActClassSettlement.com)

**NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION**

**If you used a TaxAct online do-it-yourself consumer Form 1040 tax filing product and filed a tax return using the TaxAct online product at any time between January 1, 2018, and December 31, 2022, or your spouse filed a joint tax return using the TaxAct online product during that same period, you should read this notice as you may be entitled to a cash payment and the free use of TaxAct® Xpert Assist for your tax year 2024 return.**

**What Is the Lawsuit About?**

This lawsuit was brought on behalf of TaxAct users who allege that TaxAct, Inc. (“TaxAct”) purportedly shared or otherwise made accessible to third parties (including but not limited to Facebook (now Meta Platforms, Inc.) and Google) certain of its users’ personal and financial information, without permission. TaxAct expressly denies any liability or wrongdoing.

**Who Is Part of the Settlement Classes?**

There are two Settlement Classes. The Nationwide Class includes all natural persons who used a TaxAct online do-it-yourself consumer Form 1040 tax filing product and filed a tax return using the TaxAct online product at any time between January 1, 2018, and December 31, 2022, and whose postal address listed on their tax return was in the United States. The Nationwide Class includes a California Subclass of members whose postal address listed on their tax returns was in California. The Nationwide Married Filing Jointly Class includes all natural persons whose spouse used a TaxAct online do-it-yourself consumer Form 1040 tax filing product and filed a joint tax return using the TaxAct online product at any time between January 1, 2018, and December 31, 2022, and whose postal address listed on such joint tax return was in the United States. The Nationwide Married Filing Jointly Class also includes a California Married Filing Jointly Subclass of members of whose postal address listed on the joint tax return was in California.

If, as of January 9, 2024, you filed a demand for arbitration against TaxAct to arbitrate claims that would otherwise be released in accordance with the terms of this Settlement Agreement, you are excluded from both Settlement Classes unless you elect to opt-in to the Settlement Classes by filing a timely Claim Form.

**What Does the Settlement Provide?**

**If the Settlement is approved by the Court, TaxAct will establish a Qualified Settlement Fund of fourteen million, nine hundred and fifty thousand U.S. dollars (\$14,950,000.00) plus up to two million five hundred thousand U.S. dollars (\$2,500,000.00) of additional funds set aside to be used towards Notice and Administration Costs with any remainder of unused Notice and Administrative funds to be distributed to the Settlement Class. The Qualified Settlement Fund will**

1 be used to pay all valid claims submitted by Settlement Class Members (estimated to be approximately  
2 \$ [REDACTED] each based on a [REDACTED] % claim rate), as well as notice and administration expenses, attorneys' fees  
3 and costs (up to 25% of the cash value of the Settlement Fund plus up to 25% of the value of Xpert  
4 Assist redeemed, up to a maximum redeemed value of Five Million Eight Thousand US Dollars and  
5 Zero Cents (\$5,800,000.00) by approved Settlement Class Members, as well as reasonable expenses),  
6 and Service Awards (up to \$10,000 each) for the Settlement Class Representatives. **TaxAct will also  
7 provide Xpert Assist to all Settlement Class Members who submit a valid claim form and who  
8 return to prepare a 2024 tax year tax return on TaxAct's website using any TaxAct online do-it  
9 yourself consumer Form 1040 tax return filing product (including TaxAct's free product).**

#### 6 **How Do I Submit a Claim and Get a Cash Payment and Xpert Assist?**

7 Claim Forms may be submitted online at [www.TaxActClassSettlement.com](http://www.TaxActClassSettlement.com) by 11:59 p.m. PST on  
8 [REDACTED] or printed from the Settlement Website and mailed  
9 to the Settlement Administrator at: [REDACTED] postmarked by [REDACTED]  
10 [REDACTED]. You may also contact the Settlement Administrator to request a Claim Form  
11 by telephone [REDACTED], by email [REDACTED], or by U.S. mail at [REDACTED].

#### 11 **Do I Have a Lawyer in the Case?**

12 The Court has appointed Julian Hammond and Christina Tusan of HammondLaw, P.C. and Warren D.  
13 Postman of Keller Postman LLC to represent the Settlement Class as Class Counsel.

#### 13 **Your Other Options**

14 If you are a Settlement Class Member and you do nothing, your rights will be affected, and you will  
15 not receive a Settlement payment or Xpert Assist from this Settlement. If you do not want to be legally  
16 bound by the Settlement, you must exclude yourself from it by opting out. The deadline to exclude  
17 yourself is [REDACTED].

18 Unless you exclude yourself, you will give up any right to sue TaxAct based on the legal and factual  
19 issues that this Settlement resolves. If you exclude yourself, you cannot get a payment or Xpert Assist  
20 from this Settlement. Settlement Class Members agree to release all claims based on, relating to, or  
21 arising out of the identical factual predicate in the operative complaint.

22 If you stay in the Settlement (i.e., do not exclude yourself), you can ask the Court to deny approval by  
23 filing an objection to the Settlement or Class Counsel's fees by [REDACTED]  
24 [REDACTED]. You can give reasons why you think the Court should not approve it. The Court will  
25 consider your views. You can't ask the Court to order a different Settlement; the Court can only approve  
26 or reject the Settlement. If the Court denies approval, no Settlement payments will be sent out, and the  
27 lawsuit will continue. If that is what you want to happen, you should object.

28 Any objection to the proposed settlement must be in writing. Please check the settlement website for  
all requirements associated with filing a written objection. If you file a timely written objection, you  
may, but are not required to, appear at the Final Approval Hearing, either in person or through your  
own attorney. If you appear through your own attorney, you are responsible for hiring and paying that  
attorney. All written objections and supporting papers must (a) clearly identify the case and number  
(*Smith-Washington et al. v. TaxAct, Inc.*, Case No. 3:23-cv-00830-VC), (b) be submitted to the Court  
either by filing them electronically or in person at any location of the United States District Court for

1 the Northern District of California, or by mailing them to the Class Action Clerk, United States District  
2 Court for the Northern District of California, San Francisco Division, and (c) be filed or postmarked  
3 on or before **[INSERT OBJECTION DEADLINE]**.

4 More information can be found in the Frequently Asked Questions and Class Action Settlement  
5 Agreement and Release, which are available at [www.TaxActClassSettlement.com](http://www.TaxActClassSettlement.com). If you have  
6 additional questions, you may contact the Settlement Administrator or Class Counsel.

#### 6 **The Court's Final Approval Hearing**

7 The Court has scheduled a Final Approval Hearing at **[INSERT TIME]** PST on **[INSERT FINAL**  
8 **APPROVAL HEARING DATE]**. The hearing may proceed by video conference. If so, a link to the  
9 video conference will appear at the following address: [https://www.cand.uscourts.gov/judges/chhabria-](https://www.cand.uscourts.gov/judges/chhabria-vince-vc/)  
10 [vince-vc/](https://www.cand.uscourts.gov/judges/chhabria-vince-vc/). Please check the Settlement Website often to confirm the date, time, and location. At the  
11 Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable, and  
12 adequate and whether to approve it. The Court will also consider whether to approve Class Counsel's  
13 request for an award of attorneys' fees and expenses, as well as the Settlement Class Representatives'  
14 Service Awards. If there are objections, the Court will consider them.

15 **This Notice is only a summary of the proposed Settlement. For the precise terms of the**  
16 **Settlement, please see the Settlement Agreement by calling **[INSERT PHONE NUMBER]**,**  
17 **visiting [www.TaxActClassSettlement.com](http://www.TaxActClassSettlement.com), by accessing the Court docket in this case, for a fee,**  
18 **through the Court's Public Access to Court Electronic Records (PACER) system at**  
19 **<https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United**  
20 **States District Court for the Northern District of California, [insert appropriate Court location**  
21 **here], between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.**

22 **PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO**  
23 **INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.**